

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON  
U.S. MAGISTRATE JUDGE

DATE: 8-15-2018  
TIME: 12:10 p.m. (10 minutes)

*Flanagan, as a Trustee of the General Building Laborers' Local 66 Vacation Fund, et al.,  
v. William G. Prophy LLC et al.*  
**CV 18-1303 (JS) (AKT)**

TYPE OF CONFERENCE: **INITIAL CONFERENCE**

APPEARANCES: Plaintiff William Troy LaVelle  
Defendant Paul Carruthers

FTR: 12:10 – 12:20

SCHEDULING:

The next Conference in this case, if necessary, shall be held on **Thursday, October 25, 2018 at 11 am.**

**THE FOLLOWING RULINGS WERE MADE:**

1. Counsel for the parties in this ERISA delinquent contributions case have been discussing a resolution and we spent some time talking about the status of those discussions this morning. The defendants have agreed to an audit which hopefully will move this case toward a conclusion. I granted the parties 60 days to complete the audit and the necessary discussions following from that audit. If the case is resolved, counsel need to file a Stipulation of Discontinuance no later than October 24, 2018. If not, counsel are directed to appear for conference on October 25 as noted. At that time, the Court will implement the case management and scheduling order.
2. The parties did not serve their respective Rule 26(a) Initial Disclosures before appearing today and so I have directed them to do so within 10 days. All other discovery is held in abeyance pending the outcome of the audit.

**SO ORDERED**

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge